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14 *Attorneys for Defendant AT&T SERVICES, INC.*

15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 JUAN RODRIGUEZ, on behalf of himself and
18 all others similarly situated,

19 Plaintiff,

20 vs.

21 AT&T SERVICES, INC.,

22 Defendant.

Case No. 2:14-cv-01537-GMN-

**MOTION AND ~~[PROPOSED]~~ ORDER
TO WITHDRAW JAMES F. TIERNEY
AS COUNSEL OF RECORD**

23 Defendant AT&T Services Inc. ("AT&T") respectfully moves for an order permitting James
24 F. Tierney ("Mr. Tierney"), who has appeared on behalf of AT&T in these proceedings, to
25 withdraw as counsel for AT&T in the above captioned matter, pursuant to Rule IA 10-6. This
26 Motion is based upon the enclosed Memorandum of Points and Authorities and all papers and
27 pleadings on file herein.

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1 WHEREFORE, AT&T requests that the Court enter an Order permitting the withdrawal of
2 James F. Tierney as counsel of record in this case.

3 Dated this 19th day of August, 2015.

4 FENNEMORE CRAIG, P.C.

5 By: /s/ Leslie Bryan Hart
6 Leslie Bryan Hart (SBN 4932)
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11 and
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16 *Attorneys for Defendant AT&T Services, Inc.*

17 MEMORANDUM OF POINTS AND AUTHORITIES

18 Mr. Tierney's employment status has changed, and he is no longer employed as an associate
19 by Mayer Brown LLP ("Mayer Brown") as he is leaving the firm for a different employment
20 opportunity. Mr. Tierney was not retained to represent AT&T as outside counsel in this or any
21 other matter after his separation from Mayer Brown. Local Rule IA 10-6(a) provides that "[n]o
22 attorney may withdraw after appearing in a case except by leave of court after notice served on the
23 affected client and opposing counsel." AT&T received notice of Mr. Tierney's intent to withdraw
24 from this case prior to his final week of employment with Mayer Brown. In addition, opposing
25 counsel in this case will receive notice of this Motion to Withdraw via the CM/ECF system.

26 Local Rule IA 10-6(e) also provides that "no withdrawal . . . shall be approved if delay of
27 discovery, the trial or any hearing in the case would result." No such delay will result from Mr.
28 Tierney's withdrawal because AT&T continues to be represented in this matter by Leslie Bryan
Hart and Archis A. Parasharami, both of whom will continue to appear on AT&T's behalf before
this Court. Moreover, all discovery and pre-trial proceedings have been stayed while the Court
considers the resolution of AT&T's motion to compel arbitration of plaintiff's claims. Mr.
Tierney's withdrawal will not prejudice either party or delay any proceeding in this matter.

Conclusion

The Court should enter an order approving the withdrawal of Mr. Tierney as one of the counsel of record for AT&T in the instant matter.

Dated this 19th day of August, 2015.

FENNEMORE CRAIG, P.C.

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Attorneys for Defendant AT&T Services, Inc.

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: August 24, 2015

CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b) and Electronic Filing Procedure IV(B), I certify that on the 19th day of August, 2015, a true and correct copy of the **MOTION AND [PROPOSED] ORDER TO WITHDRAW JAMES F. TIERNEY AS COUNSEL OF RECORD**, was transmitted electronically through the Court's e-filing electronic notice system to the attorney(s) associated with this case. If electronic notice is not indicated through the court's e-filing system, then a true and correct paper copy of the foregoing document was delivered via U.S. Mail.

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/s/ Pamela Carmon
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